

**REMARKS**

Claims 1-5, 7, 9-21, 24-26, 35-39, 42-54, and 57-59 are pending in this application.

Applicants have amended claims 1, 4, 5, 9-12, 20, 21, 24-26, 35, 38, 39, 42-45, 51, 53, 54, and 57-59, and have canceled claims 6, 8, 22, 23, 27-34, 40, 41, 55, and 56. These changes do not introduce any new matter.

**Objection to the Title**

In response to the objection to the Title, Applicants have changed the Title to “Print Job Creation Apparatus and Print Execution Instruction Method.” Accordingly, Applicants request that the objection to the Title be withdrawn.

**Rejection under 35 U.S.C. § 102**

Applicants respectfully request reconsideration of the rejection of claims 1-11, 27-30, and 35-44 under 35 U.S.C. § 102(a) as being anticipated by *Hitaka* (US 2002/0095352 A1) (as noted above, Applicants have herein canceled claims 6, 8, 27-30, 40, and 41). As will be explained in more detail below, the *Hitaka* reference does not disclose each and every feature of independent claims 1 and 35, as amended herein.

Applicants have amended independent apparatus claim 1 to specify, among other features, that the default device setting module sets a default printing device before a paper size is specified in the print job by the print job creation module. Applicants have amended independent method claim 35 to specify, among other features, setting a default printing device before a paper size is specified in the print job. The *Hitaka* reference does not disclose (or suggest) setting a default printing device before a paper size is specified in the print job. The *Hitaka* reference discloses only a common process of forming print data set print conditions including a paper size and selecting a printer which is able to print the print data. The *Hitaka* reference differs from the claimed subject matter in that the printer is not selected before the paper size is specified in the print data and, consequently, a default printer is not

selected in advance. Thus, for at least this reason, the *Hitaka* reference does not disclose each and every feature of independent claims 1 and 35, as amended herein.

Moreover, the subject matter defined in present claims 1 and 35 includes other features that are not disclosed in the *Hitaka* reference. For example, the *Hitaka* reference does not disclose setting the default printing device and specifying a paper type for each print service and each paper size. Further, the *Hitaka* reference does not disclose giving a print job execution instruction to cause the default printing device and the paper type to execute the print job when a printing device is not specified for execution of the print job.

Accordingly, independent claims 1 and 35, as amended herein, are patentable under 35 U.S.C. § 102(a) over *Hitaka*. Claims 2-5, 7, and 9-11, each of which depends from claim 1, and claims 36-39 and 42-44, each of which depends from claim 35, are likewise patentable under 35 U.S.C. § 102(a) over *Hitaka* for at least the same reasons set forth above with regard to the applicable independent claim.

#### Rejection Under 35 U.S.C. § 103

Applicants respectfully request reconsideration of the rejection of claims 12-26, 31-34, and 45-59 under 35 U.S.C. § 103(a) as being unpatentable over *Hitaka* in view of *Machida* (US 7,065,564 B2) (as noted above, Applicants have herein canceled claims 22, 23, 31-34, 55, and 56). As will be explained in more detail below, the combination of *Hitaka* in view of *Machida* would not have suggested to one having ordinary skill in the art the subject matter defined in independent claims 12 and 45, as amended herein.

Applicants have amended independent apparatus claim 12 to specify, among other features, that the default device setting module sets a default printing device before a paper size is specified in the print job by the print job creation module. Applicants have amended independent method claim 45 to specify, among other features, setting a default printing device before a paper size is specified in the print job.

The deficiencies of the *Hitaka* reference relative to the subject matter defined in present claims 1 and 35 are discussed above in connection with the anticipation rejection. The above-discussed deficiencies of the *Hitaka* reference relative to the subject matter defined in present claims 1 and 35 also apply to the subject matter defined in present claims 12 and 45. The *Michida* reference does not cure the deficiencies of the *Hitaka* reference relative to the subject matter defined in present claims 12 and 45. Accordingly, claims 12 and 45, as amended herein, are patentable under 35 U.S.C. § 103(a) over *Hitaka* in view of *Michida*. Claims 13-21 and 24-26, each of which ultimately depends from claim 12, and claims 46-54 and 57-59, each of which ultimately depends from claim 45, are likewise patentable under 35 U.S.C. § 103(a) over *Hitaka* in view of *Michida* for at least the same reasons set forth above with regard to the applicable independent claim.

#### Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1-5, 7, 9-21, 24-26, 35-39, 42-54, and 57-59, as amended herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. ITECP006).

Respectfully submitted,  
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